

INSTRUCTIONS FOR SUBMITTING AN EX PARTE REQUEST

An original and one copy of all of the following must be submitted at the time of filing your ex parte request:

Probate Ex Parte Request & Order: Complete this Ex Parte Request & Order with the exception of the examiner and order portions.

Petition: This is your request for relief. An affirmative factual showing by declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory, or local rule basis for ex parte relief, must be set forth in the petition. If there is a Judicial Council form for the particular relief you are requesting, it must be used. Otherwise, you must submit your application on pleading paper using the proper format set forth in Cal. Rules of Court, rule 2.100 et seq. All ex parte applications must be verified pursuant to Prob. Code § 1021 et. seq.

Order: A separate order must be submitted. The order must set forth all relief requested set forth. If there is a Judicial Council order form it must be used. Otherwise, you must submit your order on pleading paper using the proper format set forth in Cal. Rules of Court, rule 2.100 et seq.

Declaration regarding notice: A separate declaration of notice which includes the date, time, and manner of service, name of the party informed, the relief sought, any response, and whether opposition is expected, or a declaration stating reasons why notice should not be required, **must** accompany every request for an ex parte order. The court will not consider a request to waive notice when the recipient's address is unknown unless the declaration required by Cal. Rules of Court, rule 7.52 is submitted.

Failure to submit all of the documents and information required by SDSC Local Rule 4.7.5(C) may result in the denial of your request.

Fees: All required fees must be paid. The current fee schedule may be viewed at www.sdcourt.ca.gov.

EX PARTE HEARINGS:

Specific rules regarding procedures followed by each probate courtroom for ex parte requests may be found at the court's web site at www.sdcourt.ca.gov under Probate Rules/Department Rules.